

Adopted	Rejected
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## COMMITTEE REPORT

YES:	7
NO:	2

### MR. SPEAKER:

*Your Committee on Education, to which was referred Senate Bill 501, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 6-1.1-19-1.5, AS AMENDED BY P.L.90-2002,
- 3 SECTION 173, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 1.5. (a)
- 5 The following definitions apply throughout this section and
- 6 IC 21-3-1.7:
- 7 (1) "Adjustment factor" means the adjustment factor determined
- 8 by the department of local government finance for a school
- 9 corporation under IC 6-1.1-34.
- 10 (2) "Adjusted target property tax rate" means:
- 11 (A) the school corporation's target general fund property tax
- 12 rate determined under IC 21-3-1.7-6.8; multiplied by
- 13 (B) the school corporation's adjustment factor.
- 14 (3) "Previous year property tax rate" means the school
- 15 corporation's previous year general fund property tax rate after the
- 16 reductions cited in IC 21-3-1.7-5(1), IC 21-3-1.7-5(2), and

1 IC 21-3-1.7-5(3).

2 (b) Except as otherwise provided in this chapter, a school  
3 corporation may not, for an ensuing calendar year, impose a general  
4 fund ad valorem property tax levy which exceeds the following:

5 STEP ONE: Determine the result of:

6 (A) the school corporation's adjusted target property tax rate;  
7 minus

8 (B) the school corporation's previous year property tax rate.

9 STEP TWO: Determine the result of:

10 (A) the school corporation's target general fund property tax  
11 rate determined under IC 21-3-1.7-6.8; multiplied by

12 (B) the quotient resulting from:

13 (i) the absolute value of the result of the school corporation's  
14 adjustment factor minus one (1); divided by

15 (ii) two (2).

16 STEP THREE: If the school corporation's adjusted target property  
17 tax rate:

18 (A) exceeds the school corporation's previous year property tax  
19 rate, perform the calculation under STEP FOUR and not under  
20 STEP FIVE;

21 (B) is less than the school corporation's previous year property  
22 tax rate, perform the calculation under STEP FIVE and not  
23 under STEP FOUR; or

24 (C) equals the school corporation's previous year property tax  
25 rate, determine the levy resulting from using the school  
26 corporation's adjusted target property tax rate and do not  
27 perform the calculation under STEP FOUR or STEP FIVE.

28 The school corporation's 2002 assessed valuation shall be used for  
29 purposes of determining the levy under clause (C) in 2002 and in  
30 2003.

31 STEP FOUR: Determine the levy resulting from using the school  
32 corporation's previous year property tax rate after increasing the  
33 rate by the lesser of:

34 (A) the STEP ONE result; or

35 (B) the sum of:

36 (i) five cents (\$0.05); plus

37 (ii) if the school corporation's adjustment factor is more than  
38 one (1), the STEP TWO result.

The school corporation's 2002 assessed valuation shall be used for purposes of determining the levy under this STEP in 2002 and in 2003.

STEP FIVE: Determine the levy resulting from using the school corporation's previous year property tax rate after reducing the rate by the lesser of:

(A) the absolute value of the STEP ONE result; or

(B) the sum of:

(i) nine cents (\$0.09); plus

(ii) if the school corporation's adjustment factor is less than one (1), the STEP TWO result.

The school corporation's 2002 assessed valuation shall be used for purposes of determining the levy under this STEP in 2002 and in 2003.

STEP SIX: Determine the result of:

(A) the STEP THREE (C), STEP FOUR, or STEP FIVE result, whichever applies; plus

(B) an amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

The maximum levy is to include the portion of any excessive levy and the levy for new facilities.

**STEP SEVEN: Determine the result of:**

**(A) the STEP SIX result; plus**

**(B) the product of:**

**(i) the amount determined under IC 21-3-1.7-6.7(c) STEP SIX; multiplied by**

**(ii) thirty-five hundredths (0.35); multiplied by**

**(iii) the number of students, as determined by the department of education, who have legal settlement in the school corporation and are enrolled in a charter school. In determining the number of students, each kindergarten pupil shall be counted as one-half (1/2) pupil.**

**The result determined under this STEP may not be included in the school corporation's adjusted base levy for the year following the year in which the result applies or in the school**

**corporation's determination of tuition support.**

(c) For purposes of this section, "total assessed value", as adjusted under subsection (d), with respect to a school corporation means the total assessed value of all taxable property for ad valorem property taxes first due and payable during that year.

(d) The department of local government finance may adjust the total assessed value of a school corporation to eliminate the effects of appeals and settlements arising from a statewide general reassessment of real property.

(e) The department of local government finance shall annually establish an assessment ratio and adjustment factor for each school corporation to be used upon the review and recommendation of the budget committee. The information compiled, including background documentation, may not be used in a:

(1) review of an assessment under IC 6-1.1-8, IC 6-1.1-13, IC 6-1.1-14, or IC 6-1.1-15;

(2) petition for a correction of error under IC 6-1.1-15-12; or

(3) petition for refund under IC 6-1.1-26.

(f) All tax rates shall be computed by rounding the rate to the nearest one-hundredth of a cent (\$0.0001). All tax levies shall be computed by rounding the levy to the nearest dollar amount.

SECTION 2. IC 6-1.1-19-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 12. (a) Not later than the date on which the department of local government finance certifies a final action under IC 6-1.1-17-16, the department of local government finance shall provide to each county auditor the amount determined under IC 20-5.5-7-3(c)(6) for each charter school attended by a student who has legal settlement in both the county and a school corporation located in the county.**

**(b) This subsection applies beginning with the first distribution of property taxes to a school corporation after December 31, 2003. At the same time a county auditor distributes property taxes to a school corporation, the county auditor shall distribute to a charter school the amount described in subsection (a) for the charter school.**

**(c) A distribution of property taxes to a school corporation does not include an amount distributed under subsection (b).**

1       SECTION 3. IC 20-5.5-1-1.3 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
3 **[EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 1.3.**  
4 **"ADM of the previous year" or "ADM of the prior year" has the**  
5 **meaning set forth in IC 21-3-1.6-1.1(m).**

6       SECTION 4. IC 20-5.5-1-1.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
8 **[EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 1.5.**  
9 **"Average daily membership" or "ADM" has the meaning set forth**  
10 **in IC 21-3-1.6-1.1(d).**

11       SECTION 5. IC 20-5.5-1-5.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
13 **[EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 5.5.**  
14 **"Current ADM" has the meaning set forth in IC 21-3-1.6-1.1(n).**

15       SECTION 6. IC 20-5.5-3-16 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
17 **1, 2003]: Sec. 16. (a) Notwithstanding any other provision of this**  
18 **chapter, not more than twenty-five (25) charter schools may be**  
19 **established in Indiana.**

20       **(b) When the department has received notice of the acceptance**  
21 **of twenty-five (25) charter school proposals, the department shall**  
22 **notify each potential sponsor of a charter school that no further**  
23 **proposals may be accepted.**

24       SECTION 7. IC 20-5.5-6-1, AS ADDED BY P.L.100-2001,  
25 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2003]: Sec. 1. (a) **Except as provided in subsection (b),**  
27 **individuals who work at a charter school are employees of the charter**  
28 **school or of an entity with which the charter school has contracted to**  
29 **provide services.**

30       **(b) Teachers in a conversion charter school are employees of**  
31 **both the charter school and the school corporation that sponsored**  
32 **the charter school. For purposes of the collective bargaining**  
33 **agreement, conversion charter school teachers are considered**  
34 **employees of the school corporation that sponsored the charter**  
35 **school.**

36       **(c) All benefits accrued by teachers as employees of the**  
37 **conversion charter school are the financial responsibility of the**  
38 **conversion charter school. The conversion charter school is**

1 required to pay those benefits directly or to reimburse the school  
2 corporation for the cost of the benefits.

3 (d) All benefits accrued by a teacher during the time that the  
4 teacher was an employee only of the school corporation that  
5 sponsored the charter school are the financial responsibility of the  
6 school corporation. The school corporation is required to pay those  
7 benefits directly or to reimburse the conversion charter school for  
8 the cost of the benefits.

9 (e) For any other purpose, a teacher is an employee of the  
10 charter school.

11 SECTION 8. IC 20-5.5-7-3, AS ADDED BY P.L.100-2001,  
12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JANUARY 1, 2003 (RETROACTIVE)]: Sec. 3. (a) Not later than the  
14 date established by the department for determining average daily  
15 membership under IC 21-3-1.6-1.1(d), **and after May 31**, the organizer  
16 shall submit to the department the following information **on a form**  
17 **prescribed by the department:**

18 (1) The number of students enrolled in the charter school.

19 (2) The name **and address** of each student. ~~and~~

20 (3) **The name of** the school corporation in which the student  
21 ~~resides:~~ **has legal settlement.**

22 (4) **The name of the school corporation, if any, that the**  
23 **student attended during the immediately preceding school**  
24 **year.**

25 (5) **The grade level in which the student will enroll in the**  
26 **charter school.**

27 **The department shall verify the accuracy of the information**  
28 **reported.**

29 (b) ~~After verifying the accuracy of the information reported under~~  
30 **subsection (a), This subsection applies after December 31 of the**  
31 **calendar year in which a charter school begins its initial operation.**

32 The department shall distribute ~~the following~~ to the organizer

33 ~~(1) Tuition support and other state funding for any purpose for~~  
34 ~~students in the charter school:~~

35 ~~(2) A proportionate share of state and federal funds received for~~  
36 ~~students with disabilities or staff services for students with~~  
37 ~~disabilities for the students with disabilities enrolled in the charter~~  
38 ~~school:~~

(3) ~~A proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state aid enrolled in the charter school: the amount determined under IC 21-3-1.7 for the charter school. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution under IC 21-3-1.7.~~

(c) ~~Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), the organizer shall submit to each governing body a report of the total number and names of students from the governing body's school corporation enrolled in the charter school. Upon verifying the accuracy of the information reported, the governing body shall distribute to the organizer a proportionate share of local support for the students enrolled in the charter school in an amount determined under STEP THREE of the following formula:~~

~~STEP ONE: Add the revenues obtained by the school corporation's:~~

~~(A) general fund property tax levy; and~~

~~(B) general fund auto excise and financial institutions tax.~~

~~STEP TWO: Divide the sum determined under STEP ONE by the total number of students enrolled in the school corporation:~~

~~STEP THREE: Multiply the quotient determined under STEP TWO by the number of students enrolled in the charter school:~~

~~(d) The distribution under subsection (b) shall be made on the same schedule as the schedule on which the school corporation receives the funds.~~

(c) ~~The department shall provide to the department of local government finance the following information:~~

~~(1) For each county, the number of students who:~~

~~(A) have legal settlement in the county; and~~

~~(B) attend a charter school.~~

~~(2) The school corporation in which each student described in subdivision (1) has legal settlement.~~

~~(3) The charter school that a student described in subdivision (1) attends and the county in which the charter school is located.~~

~~(4) The amount determined under IC 6-1.1-19-1.5(b) STEP~~

SEVEN for each school corporation described in subdivision (2).

(5) The amount determined under STEP TWO of the following formula:

STEP ONE: Determine the product of:

(A) the amount determined under IC 21-3-1.7-6.7(b) for a charter school described in subdivision (3); multiplied by

(B) thirty-five hundredths (0.35).

STEP TWO: Determine the product of:

(A) the STEP ONE amount; multiplied by

(B) the current ADM of a charter school described in subdivision (3).

(6) The amount determined under STEP THREE of the following formula:

STEP ONE: Determine the number of students described in subdivision (1) who:

(A) attend the same charter school; and

(B) have legal settlement in the same school corporation located in the county.

STEP TWO: Determine the subdivision (5) STEP ONE amount for a charter school described in STEP ONE (A).

STEP THREE: Determine the product of:

(A) the STEP ONE amount; multiplied by

(B) the STEP TWO amount.

SECTION 9. IC 20-5.5-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 3.5. (a)

This section applies to a conversion charter school.

(b) Not later than the date established by the department for determining average daily membership under IC 21-3-1.6-1.1(d), and after July 2, the organizer shall submit to a governing body on a form prescribed by the department the information reported under section 3(a) of this chapter for each student who:

(1) is enrolled in the organizer's conversion charter school; and

(2) has legal settlement in the governing body's school corporation.



(c) Beginning not more than sixty (60) days after the department receives the information reported under section 3(a) of this chapter, the department shall distribute to the organizer:

(1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;

(2) a proportionate share of state and federal funds received for students with disabilities or staff services for students with disabilities for students with disabilities enrolled in the conversion charter school; and

(3) a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

(d) The subsection applies beginning with the first property tax distribution described in IC 6-1.1-27-1 to the governing body of the school corporation in which a conversion charter school is located after the governing body receives the information reported under subsection (b). Not more than ten (10) days after the governing body receives a property tax distribution described in IC 6-1.1-27-1, the governing body shall distribute to the conversion charter school the amount determined under STEP THREE of the following formula:

**STEP ONE: Determine the quotient of:**

(A) the number of students who:

(i) are enrolled in the conversion charter school; and

(ii) were counted in the ADM of the previous year for the school corporation in which the conversion charter

1                   school is located; divided by  
 2                   **(B) the current ADM of the school corporation in which**  
 3                   **the conversion charter school is located.**

4                   **In determining the number of students enrolled under clause**  
 5                   **(A)(i), each kindergarten pupil shall be counted as one-half**  
 6                   **(1/2) pupil.**

7                   **STEP TWO: Determine the total amount of the following**  
 8                   **revenues to which the school corporation in which the**  
 9                   **conversion charter school is located is entitled for the second**  
 10                  **six (6) months of the calendar year in which the conversion**  
 11                  **charter school is established:**

12                  **(A) Revenues obtained by the school corporation's:**  
 13                    **(i) general fund property tax levy; and**  
 14                    **(ii) excise tax revenue (as defined in IC 21-3-1.7-2).**  
 15                  **(B) The school corporation's certified distribution of**  
 16                  **county adjusted gross income tax revenue under**  
 17                  **IC 6-3.5-1.1 that is to be used as property tax replacement**  
 18                  **credits.**

19                  **STEP THREE: Determine the product of:**

20                   **(A) the STEP ONE amount; multiplied by**  
 21                   **(B) the STEP TWO amount.**

22                  **(e) Subsection (d) does not apply to a conversion charter school**  
 23                  **after the later of the following dates:**

24                    **(1) December 31 of the calendar year in which the conversion**  
 25                    **charter school is established.**

26                    **(2) Ten (10) days after the date on which the governing body**  
 27                    **of the school corporation in which the conversion charter**  
 28                    **school is located receives the final distribution described in**  
 29                    **IC 6-1.1-27-1 of revenues to which the school corporation in**  
 30                    **which the conversion charter school is located is entitled for**  
 31                    **the second six (6) months of the calendar year in which the**  
 32                    **conversion charter school is established.**

33                  **(f) This subsection applies during the second six (6) months of**  
 34                  **the calendar year in which a conversion charter school is**  
 35                  **established. A conversion charter school may apply for an advance**  
 36                  **from the charter school advancement account under IC 20-5.5-7.5**  
 37                  **in the amount determined under STEP FOUR of the following**  
 38                  **formula:**

- 1           **STEP ONE: Determined the result under subsection (d) STEP**  
 2           **ONE (A).**  
 3           **STEP TWO: Determine the difference between:**  
 4               **(A) the conversion charter school's current ADM; minus**  
 5               **(B) the STEP ONE amount.**  
 6           **STEP THREE: Determine the quotient of:**  
 7               **(A) the STEP TWO amount; divided by**  
 8               **(B) the conversion charter school's current ADM.**  
 9           **STEP FOUR: Determine the product of:**  
 10               **(A) the STEP THREE amount; multiplied by**  
 11               **(B) the quotient of:**  
 12                   **(i) the subsection (d) STEP TWO amount; divided by**  
 13                   **(ii) two (2).**
- 14           SECTION 10. IC 20-5.5-7-5, AS ADDED BY P.L.100-2001,  
 15           SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16           JANUARY 1, 2003 (RETROACTIVE)]: Sec. 5. (a) An organizer may  
 17           apply for and accept for a charter school:  
 18               (1) independent financial grants; or  
 19               (2) funds from public or private sources other than the  
 20               department.
- 21           **(b) An organizer shall make all applications, enter into all**  
 22           **contracts, and sign all documents necessary for the receipt by a**  
 23           **charter school of aid, money, or property from the federal**  
 24           **government.**
- 25           SECTION 11. IC 20-5.5-7-9 IS ADDED TO THE INDIANA CODE  
 26           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 27           JANUARY 1, 2003 (RETROACTIVE)]: Sec. 9. (a) This section  
 28           applies if:  
 29               **(1) a sponsor:**  
 30                   **(A) revokes a charter before the end of the term for which**  
 31                   **the charter is granted; or**  
 32                   **(B) does not renew a charter; or**  
 33               **(2) a charter school otherwise terminates its charter before**  
 34               **the end of the term for which the charter is granted.**
- 35           **(b) Any local or state funds that remain to be distributed to the**  
 36           **charter school in the calendar year in which an event described in**  
 37           **subsection (a) occurs shall be distributed as follows:**  
 38               **(1) First, to the common school loan fund to repay any**

existing obligations of the charter school under IC 20-5.5-7.5.

(2) Second, to the entities that distributed the funds to the charter school. A distribution under this subdivision shall be on a pro rata basis.

(c) If the funds described in subsection (b) are insufficient to repay all existing obligations of the charter school under IC 20-5.5-7.5, the state shall repay any remaining obligations of the charter school under IC 20-5.5-7.5 from the amount appropriated for distributions under IC 21-3-1.7.

SECTION 12. IC 20-5.5-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:

**Chapter 7.5. Charter School Advancement Account**

**Sec. 1.** The charter school advancement account is established within the common school fund.

**Sec. 2.** As used in this chapter, "operational costs" means costs other than construction costs incurred by:

(1) a charter school other than a conversion charter school during the second six (6) months of the calendar year in which the charter school begins its initial operation; or

(2) a charter school, including a conversion charter school, during the second six (6) months of a calendar year in which the charter school's most recent enrollment reported under IC 20-5.5-7-3(a) divided by the charter school's previous year's ADM is at least one and fifteen-hundredths (1.15).

**Sec. 3.** The board shall advance money to charter schools from the charter school advancement account to be used for operational costs.

**Sec. 4. (a)** The amount of an advance under section 3 of this chapter for operational costs described in section 2(1) of this chapter may not exceed the amount determined under STEP THREE of the following formula:

**STEP ONE:** Determine the product of:

(A) the charter school's enrollment reported under IC 20-5.5-7-3(a); multiplied by

(B) the statewide average amount determined under IC 21-3-1.7-6.7(c) STEP SIX.

**STEP TWO:** Determine the quotient of:

- 1 (A) the STEP ONE amount; divided by  
 2 (B) two (2).

3 **STEP THREE: Determine the product of:**

- 4 (A) the STEP TWO amount; multiplied by  
 5 (B) one and fifteen-hundredths (1.15).

6 (b) The amount of an advance under section 3 of this chapter for  
 7 operational costs described in section 2(2) of this chapter may not  
 8 exceed the amount determined under STEP FOUR of the following  
 9 formula:

10 **STEP ONE: Determine the quotient of:**

- 11 (A) the amount determined under IC 21-3-1.7-6.7(b) for  
 12 the charter school; divided by  
 13 (B) two (2).

14 **STEP TWO: Determined the difference between:**

- 15 (A) the charter school's current ADM; minus  
 16 (B) the charter school's ADM of the previous year.

17 **STEP THREE: Determine the product of:**

- 18 (A) the STEP ONE amount; multiplied by  
 19 (B) the STEP TWO amount.

20 **STEP FOUR: Determined the product of:**

- 21 (A) the STEP THREE amount; multiplied by  
 22 (B) one and fifteen-hundredths (1.15).

23 **Sec. 5. (a) Money advanced to a charter school under this**  
 24 **chapter may be advanced for a period not to exceed twenty (20)**  
 25 **years. A charter school to which money is advanced under this**  
 26 **chapter must pay interest on the advance at the rate determined**  
 27 **under section 6 of this chapter. The board shall provide that the**  
 28 **advances are prepayable by the charter school or by the general**  
 29 **assembly at any time.**

30 (b) This subsection applies if the general assembly prepays an  
 31 advance of money under this chapter. Any prepayment under this  
 32 subsection must be deducted from the amount appropriated for  
 33 distributions under IC 21-3-1.7.

34 (c) The board, after consulting with the department and upon  
 35 approval of the budget agency, shall establish the terms of an  
 36 advance before the date on which the advance is made. The terms  
 37 must include a provision allowing the state to withhold funds due  
 38 to a charter school to which an advance is made until the advance,

1 including interest accrued on the advance, is paid.

2       **Sec. 6.** The state board of finance shall establish periodically the  
3 rate of interest payable on advances of money under this chapter.  
4 An interest rate established under this section may not:

5           (1) be less than one percent (1%); and

6           (2) exceed four percent (4%).

7       **Sec. 7.** (a) To ensure timely payment of an advance under this  
8 chapter according to the terms of the advance, the state may  
9 withhold from funds due to the charter school to which the  
10 advance is made an amount necessary to pay the advance and the  
11 interest on the advance.

12       (b) If the state withholds funds under subsection (a), the state  
13 first shall withhold funds from the distribution of state tuition  
14 support to the charter school to which the advance is made. If the  
15 tuition support distribution is unavailable or inadequate, the state  
16 may withhold funds from any other distribution of state funds to  
17 the charter school.

18       **Sec. 8.** A charter school that desires to obtain an advance under  
19 this chapter must submit an application to the board on a form  
20 prescribed by the board after consulting with the department and  
21 the budget agency for the board to determine the amount of the  
22 advance.

23       **Sec. 9.** (a) An advance under this chapter to a charter school is  
24 not an obligation of the charter school within the meaning of any  
25 constitutional limitation on or prohibition against indebtedness.  
26 This chapter does not relieve the organizer of the charter school to  
27 qualify the charter school for state tuition support.

28       (b) An agreement with the board to collect and pay over  
29 amounts deducted from state tuition support for the benefit of  
30 another party is not a debt of the state within the meaning of any  
31 constitutional limitation on or prohibition against state  
32 indebtedness.

33       **Sec. 10.** Priority of advances for operational costs must be on a  
34 basis determined by the board after consulting with the  
35 department and the budget agency.

36       **Sec. 11.** The board shall annually set aside from the principal of  
37 the common school loan fund four million dollars (\$4,000,000) for  
38 advances made under this chapter and under IC 20-5.5-7-3.5(f). If

1     **the total amount of advances made under this chapter and under**  
 2     **IC 20-5.5-7-3.5(f) in a calendar year is less than four million dollars**  
 3     **(\$4,000,000), the unused funds remain in the common school fund.**  
 4     **The total amount of advances made under this chapter and under**  
 5     **IC 20-5.5-7-3.5(f) in a calendar year may not exceed four million**  
 6     **dollars (\$4,000,000). This section expires June 30, 2006.**

7     SECTION 13. IC 20-5.5-8-5, AS ADDED BY P.L.100-2001,  
 8     SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9     JANUARY 1, 2002 (RETROACTIVE)]: Sec. 5. The following statutes  
 10    and rules and guidelines adopted under the following statutes apply to  
 11    a charter school:

- 12       (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 13       (2) IC 20-1-1.5 (unified accounting system).
- 14       (3) IC 20-1-6 (special education).
- 15       (4) IC 20-5-2-7 and IC 20-6.1-3-7.1 (criminal history).
- 16       (5) IC 20-5-2-3 (subject to laws requiring regulation by state
- 17       agencies).
- 18       (6) IC 20-6.1-4-15 (void teacher contract when two (2) contracts
- 19       are signed).
- 20       (7) IC 20-6.1-6-11 (nondiscrimination for teacher marital status).
- 21       (8) IC 20-6.1-6-13 (teacher freedom of association).
- 22       (9) IC 20-6.1-6-15 (school counselor immunity).
- 23       (10) For conversion charter schools only, IC 20-6.1-4, IC 20-6.1-5
- 24       and IC 20-6.1-6.
- 25       (11) IC 20-8.1-3 (compulsory school attendance).
- 26       (12) IC 20-8.1-4 (limitations on employment of children).
- 27       (13) IC 20-8.1-5.1-13, IC 20-8.1-5.1-15, and IC 20-8.1-5.1-15.5
- 28       (student due process and judicial review).
- 29       (14) IC 20-8.1-5.1-10 (firearms and deadly weapons).
- 30       (15) IC 20-8.1-7 and IC 20-8.1-8 (health and safety measures).
- 31       ~~(16) IC 20-8.1-9-3 (exemption from school fees for eligible~~
- 32       ~~families and fee reimbursement).~~
- 33       ~~(17) IC 20-8.1-9-5 (notice to parents concerning financial~~
- 34       ~~assistance).~~
- 35       ~~(18)~~ (16) IC 20-8.1-12 (reporting of student violations of law).
- 36       ~~(19)~~ (17) IC 20-10.1-2-4 and IC 20-10.1-2-6 (patriotic
- 37       commemorative observances).
- 38       ~~(20)~~ (18) IC 20-10.1-16, IC 20-10.1-17, or any other statute, rule,

or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

~~(21)~~ (19) IC 20-10.1-22.4 (parental access to education records).

~~(22)~~ (20) IC 20-10.2 (accountability for school performance and improvement).

SECTION 14. IC 20-6.1-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) ~~Void Contract~~~~When Two Contracts Are Signed~~: A contract entered into after August 15 between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher which will be effective if **the teacher**:

(1) ~~he~~ furnishes the governing body a release by the employers under the previous contract; or

(2) ~~he~~ shows proof that twenty-one (21) days' written notice was delivered by the teacher to the first employer.

Each governing body may request from the teacher at the time of contracting a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

**(b) This section does not apply to an individual who works at a conversion charter school for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.**

SECTION 15. IC 20-8.1-9-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 0.3. As used in this chapter, "governing body" includes the organizer of a charter school.**

SECTION 16. IC 20-8.1-9-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 0.7. As used in this chapter, "school corporation" includes a charter school.**

SECTION 17. IC 20-8.1-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in grades K-12, meets the financial



1 eligibility standard under section 2 of this chapter, the parent or the  
 2 emancipated minor may not be required to pay the fees for school  
 3 books, supplies, or other required class fees. Such fees shall be paid by  
 4 the school corporation ~~in~~ which the child ~~resides~~: **attends**.

5 (b) The school corporation may apply for a reimbursement under  
 6 section 9 of this chapter from the department of the costs incurred  
 7 under subsection (a).

8 (c) To the extent the reimbursement received by the school  
 9 corporation is less than the textbook rental fee assessed for textbooks  
 10 that have been adopted under IC 20-10.1-9-1 or waived under  
 11 IC 20-10.1-9-27, the school corporation may request that the parent or  
 12 emancipated minor pay the balance of this amount.

13 SECTION 18. IC 21-1-4-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]:  
 15 Sec. 1. (a) It is the duty of the general assembly under the Constitution  
 16 of the State of Indiana to encourage by all suitable means moral,  
 17 intellectual, scientific, and agricultural improvement and to provide, by  
 18 law, for a general and uniform system of common schools, wherein  
 19 tuition shall be without charge, and equally open to all.

20 (b) It is the intent of the general assembly that:

21 (1) the common school fund should be used to:

22 (A) assist school corporations and school townships in  
 23 financing their school building construction and educational  
 24 technology programs; **and**

25 (B) **assist charter schools in financing their operations;**

26 as authorized by law and under circumstances such that the  
 27 principal of the fund remains inviolate;

28 (2) to the end described in subdivision (1), the common school  
 29 fund may be used to make advances to:

30 (A) school corporations and school townships under  
 31 IC 21-1-5; and

32 (B) **charter schools under IC 20-5.5-7-3.5(f) and**  
 33 **IC 20-5.5-7.5; and**

34 (3) this chapter is in furtherance of the duties which are imposed  
 35 exclusively upon the general assembly by the Constitution of the  
 36 State of Indiana in connection with the maintenance of a general  
 37 and uniform system of common schools and the investment and  
 38 reinvestment of the common school fund and shall be liberally

1 construed to carry out the purposes of the Constitution of the State  
2 of Indiana.

3 (c) In addition, the common school fund may be used to make  
4 advances under IC 21-1-5.1.

5 SECTION 19. IC 21-1-30-0.5 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 0.5 As**  
8 **used in this chapter, "school corporation" includes a charter**  
9 **school established under IC 20-5.5.**

10 SECTION 20. IC 21-1-30-3, AS AMENDED BY P.L.291-2001,  
11 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 3. (a) The amount to be  
13 distributed to a school corporation under this chapter is the amount  
14 determined by the following formula:

15 STEP ONE: Determine the applicable target pupil teacher ratio  
16 for the school corporation as follows:

17 (A) If the school corporation's at-risk index is less than  
18 seventeen hundredths (0.17), the school corporation's target  
19 pupil teacher ratio is eighteen to one (18:1).

20 (B) If the school corporation's at-risk index is at least  
21 seventeen hundredths (0.17) but less than twenty-seven  
22 hundredths (0.27), the school corporation's target pupil teacher  
23 ratio is fifteen (15) plus the result determined in item (iii):

24 (i) Determine the result of twenty-seven hundredths (0.27)  
25 minus the school corporation's at-risk index.

26 (ii) Determine the item (i) result divided by one-tenth (0.1).

27 (iii) Determine the item (ii) result multiplied by three (3).

28 (C) If the school corporation's at-risk index is at least  
29 twenty-seven hundredths (0.27), the school corporation's target  
30 pupil teacher ratio is fifteen to one (15:1).

31 STEP TWO: Determine the result of:

32 (A) the ADM of the school corporation, as determined under  
33 section 2(2) of this chapter, in kindergarten through grade 3  
34 for the current school year; divided by

35 (B) the school corporation's target pupil teacher ratio, as  
36 determined in STEP ONE.

37 STEP THREE: Determine the result of:

38 (A) the total regular general fund revenue (the amount

1 determined in ~~STEP ONE of IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)**  
 2 **STEP ONE**) multiplied by seventy-five hundredths (0.75);  
 3 divided by  
 4 (B) the school corporation's total ADM.  
 5 STEP FOUR: Determine the result of:  
 6 (A) the STEP THREE result; multiplied by  
 7 (B) the ADM of the school corporation, as determined under  
 8 section 2(2) of this chapter in kindergarten through grade 3 for  
 9 the current school year.  
 10 STEP FIVE: Determine the result of:  
 11 (A) the STEP FOUR result; divided by  
 12 (B) the staff cost amount.  
 13 STEP SIX: Determine the greater of zero (0) or the result of:  
 14 (A) the STEP TWO amount; minus  
 15 (B) the STEP FIVE amount.  
 16 STEP SEVEN: Determine the result of:  
 17 (A) the STEP SIX amount; multiplied by  
 18 (B) the staff cost amount.  
 19 STEP EIGHT: Determine the greater of the STEP SEVEN amount  
 20 or the school corporation's guaranteed amount.  
 21 STEP NINE: If the amount the school corporation received under  
 22 this chapter in the previous calendar year is greater than zero (0),  
 23 determine the lesser of:  
 24 (A) the STEP EIGHT amount; or  
 25 (B) the amount the school corporation received under this  
 26 chapter for the previous calendar year multiplied by one  
 27 hundred seven and one-half percent (107.5%).  
 28 For 2000 calculations, the amount the school corporation received  
 29 under this chapter for the previous calendar year is the 1999  
 30 calendar year allocation, before any penalty was assessed under  
 31 this chapter.  
 32 (b) The amount received under this chapter shall be devoted to  
 33 reducing class size in kindergarten through grade 3. A school  
 34 corporation shall compile class size data for kindergarten through grade  
 35 3 and report the data to the department of education for purposes of  
 36 maintaining compliance with this chapter.  
 37 SECTION 21. IC 21-2-4-7, AS ADDED BY P.L.178-2002,  
 38 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2002 (RETROACTIVE)]: Sec. 7. (a) The governing body of a school corporation may adopt a resolution to transfer after June 30, 2002, and before January 1, 2003, money that is:

(1) not greater than the remainder of the amount described in ~~IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)** STEP TWO (C) minus the amount transferred under IC 21-2-11.5-5(a) and IC 21-2-15-13.1(a); and

(2) on deposit in the school corporation's debt service fund; to the school corporation's general fund for use for any general fund purpose.

(b) The governing body of a school corporation may adopt a resolution to transfer after December 31, 2002, and before July 1, 2003, money that is:

(1) not greater than the remainder of the amount described in ~~IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)** STEP TWO (D) minus the amount transferred under IC 21-2-11.5-5(b) and IC 21-2-15-13.1(b); and

(2) on deposit in the school corporation's debt service fund; to the school corporation's general fund for use for any general fund purpose.

(c) This section expires July 1, 2003.

SECTION 22. IC 21-2-11.5-5, AS ADDED BY P.L.178-2002, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 5. (a) The governing body of a school corporation may adopt a resolution to transfer after June 30, 2002, and before January 1, 2003, money that is:

(1) not greater than the remainder of the amount described in ~~IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)** STEP TWO (C) minus the amount transferred under IC 21-2-4-7(a) and IC 21-2-15-13.1(a); and

(2) on deposit in the school corporation's:

(A) transportation fund;

(B) school bus replacement fund; or

(C) both the transportation fund and school bus replacement fund;

to the school corporation's general fund for use for any general fund purpose.

(b) The governing body of a school corporation may adopt a

1 resolution to transfer after December 31, 2002, and before July 1, 2003,  
2 money that is:

3 (1) not greater than the remainder of the amount described in  
4 ~~IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)** STEP TWO (D) minus the  
5 amount transferred under IC 21-2-4-7(b) and IC 21-2-15-13.1(b);  
6 and

7 (2) on deposit in the school corporation's:

8 (A) transportation fund;

9 (B) school bus replacement fund; or

10 (C) both the transportation fund and school bus replacement  
11 fund;

12 to the school corporation's general fund for use for any general fund  
13 purpose.

14 (c) This section expires July 1, 2003.

15 SECTION 23. IC 21-2-15-13.1, AS ADDED BY P.L.178-2002,  
16 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 13.1. (a) The governing  
18 body of a school corporation may adopt a resolution to transfer after  
19 June 30, 2002, and before January 1, 2003, money that is:

20 (1) not greater than the remainder of the amount described in  
21 ~~IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)** STEP TWO (C) minus the  
22 amount transferred under IC 21-2-4-7(a) and IC 21-2-11.5-5(a);  
23 and

24 (2) on deposit in the school corporation's capital projects fund;  
25 to the school corporation's general fund for use for any general fund  
26 purpose.

27 (b) The governing body of a school corporation may adopt a  
28 resolution to transfer after December 31, 2002, and before July 1, 2003,  
29 money that is:

30 (1) not greater than the remainder of the amount described in  
31 ~~IC 21-3-1.7-8~~ **IC 21-3-1.7-8(b)** STEP TWO (D) minus the  
32 amount transferred under IC 21-2-4-7(b) and IC 21-2-11.5-5(b);  
33 and

34 (2) on deposit in the school corporation's capital projects fund;  
35 to the school corporation's general fund for use for any general fund  
36 purpose.

37 (c) This section expires July 1, 2003.

38 SECTION 24. IC 21-3-1.6-1.1, AS AMENDED BY P.L.111-2002,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law. **For purposes of subsection (d), the term includes a charter school established under IC 20-5.5.**

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education. Such day shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on the particular day thus fixed, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the adjusted count to the budget committee before February 5 of the following year. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter. ~~"Current ADM" of a school corporation, used in computing its state distribution in a calendar year means the ADM of the school year ending in the calendar year. "ADM of the previous year" or "ADM of the prior year"~~

1 of a school corporation used in computing its state distribution in a  
2 calendar year means the ADM of the school corporation for the school  
3 year ending in the preceding calendar year.

4 (e) "Additional count" of a school corporation, or comparable  
5 language, means the aggregate of the additional counts of the school  
6 corporation for certain pupils as set out in section 3 of this chapter  
7 (repealed) and as determined at the times for calculating ADM.  
8 "Current additional count" means the additional count of the school  
9 corporation for the school year ending in the calendar year. "Prior year  
10 additional count" of a school corporation used in computing its state  
11 distribution in a calendar year means the additional count of the school  
12 corporation for the school year ending in the preceding calendar year.

13 (f) "Adjusted assessed valuation" of any school corporation used in  
14 computing state distribution for a calendar year means the assessed  
15 valuation in the school corporation, adjusted as provided in  
16 IC 6-1.1-34. The amount of the valuation shall also be adjusted  
17 downward by the department of local government finance to the extent  
18 it consists of real or personal property owned by a railroad or other  
19 corporation under the jurisdiction of a federal court under the federal  
20 bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation  
21 being involved in a bankruptcy proceeding the corporation is  
22 delinquent in payment of its Indiana real and personal property taxes  
23 for the year to which the valuation applies. If the railroad or other  
24 corporation in some subsequent calendar year makes payment of the  
25 delinquent taxes, then the state superintendent of public instruction  
26 shall prescribe adjustments in the distributions of state funds pursuant  
27 to this chapter as are thereafter to become due to a school corporation  
28 affected by the delinquency as will ensure that the school corporation  
29 will not have been unjustly enriched under the provisions of  
30 P.L.382-1987(ss). The amount of the valuation shall also be adjusted  
31 downward by the department of local government finance to the extent  
32 it consists of real or personal property described in IC 6-1.1-17-0.5(b).

33 (g) "General fund" means a school corporation fund established  
34 under IC 21-2-11-2.

35 (h) "Teacher" means every person who is required as a condition of  
36 employment by a school corporation to hold a teacher's license issued  
37 or recognized by the state, except substitutes and any person paid  
38 entirely from federal funds.

(i) "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-8.1-6.1, because the pupil is transferred for education to another school corporation (the "transferee corporation");

(3) the pupil is enrolled in a school corporation as a transfer student under IC 20-8.1-6.1-3 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-8.1-6.1; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the division of family and children;

(ii) by a court order;

(iii) by a child placing agency licensed by the division of family and children; or

(iv) by a parent or guardian under IC 20-8.1-6.1-5.

**For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.**

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in



1 IC 21-2-11.

2 (l) "At risk index" means the **following**:

3 **(1) For a school corporation, the sum of:**

4 ~~(1)~~ **(A)** the product of sixteen-hundredths (0.16) multiplied by  
5 the percentage of families in the school corporation with  
6 children who are less than eighteen (18) years of age and who  
7 have a family income below the federal income poverty level  
8 (as defined in IC 12-15-2-1);

9 ~~(2)~~ **(B)** the product of four-tenths (0.4) multiplied by the  
10 percentage of families in the school corporation with a single  
11 parent; and

12 ~~(3)~~ **(C)** the product of forty-four hundredths (0.44) multiplied  
13 by the percentage of the population in the school corporation  
14 who are at least twenty (20) years of age with less than a  
15 twelfth grade education.

16 The data to be used in making the calculations under this  
17 ~~subsection~~ **subdivision** must be the data from the 1990 federal  
18 decennial census.

19 **(2) For a charter school, the lesser of:**

20 **(A) the statewide average of the indices determined under**  
21 **subdivision (1); or**

22 **(B) the index determined under subdivision (1) for the**  
23 **school corporation in which the charter school is located.**

24 **(m) "ADM of the previous year" or "ADM of the prior year"**  
25 **used in computing a state distribution in a calendar year means:**

26 **(1) For a:**

27 **(A) school corporation; or**

28 **(B) charter school beginning in the second calendar year**  
29 **after the calendar year in which the charter school begins**  
30 **its initial operation;**

31 **the ADM for the school year ending in the preceding calendar**  
32 **year.**

33 **(2) For a conversion charter school in the calendar year after**  
34 **the calendar year in which the conversion charter school is**  
35 **established, the ADM for the school year ending in the**  
36 **preceding calendar year of the school that converted to the**  
37 **charter school under IC 20-5.5-11.**

38 **(n) "Current ADM" used in computing a state distribution in a**

1 **calendar year means the ADM for the school year ending in the**  
 2 **calendar year.**

3 SECTION 25. IC 21-3-1.7-2, AS AMENDED BY P.L.192-2002(ss),  
 4 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 2. As used  
 6 in this chapter, "excise tax revenue" means the amount of:

- 7 (1) financial institution excise tax revenue (IC 6-5.5); plus
- 8 (2) the motor vehicle excise taxes (IC 6-6-5) and the commercial
- 9 vehicle excise taxes (IC 6-6-5.5);

10 the school corporation received for deposit in the school corporation's  
 11 general fund in a year. **The excise tax revenue for a charter school**  
 12 **is zero (0).**

13 SECTION 26. IC 21-3-1.7-3.1, AS AMENDED BY P.L.85-2002,  
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 3.1. (a) As used in this  
 16 chapter, "previous year revenue" for calculations with respect to a  
 17 school corporation equals:

- 18 (1) the school corporation's tuition support for regular programs,
- 19 including basic tuition support, and excluding:
  - 20 (A) special education grants;
  - 21 (B) vocational education grants;
  - 22 (C) at-risk programs;
  - 23 (D) the enrollment adjustment grant;
  - 24 (E) for 1999 and thereafter, the academic honors diploma
  - 25 award; and
  - 26 (F) for 2001 and thereafter, the primetime distribution;
- 27 for the year that precedes the current year; plus
- 28 (2) the school corporation's tuition support levy for the year that
- 29 precedes the current year before the reductions required under
- 30 section 5(1) and 5(2) of this chapter; plus
- 31 (3) distributions received by the school corporation under
- 32 IC 6-1.1-21.6 for the year that precedes the current year; plus
- 33 (4) the school corporation's excise tax revenue for the year that
- 34 precedes the current year by two (2) years; minus
- 35 (5) an amount equal to the reduction in the school corporation's
- 36 tuition support under subsection (b) or IC 20-10.1-2-1, or both.

37 (b) A school corporation's previous year revenue shall be reduced  
 38 if:

- (1) the school corporation's state tuition support for special or vocational education was reduced as a result of a complaint being filed with the department of education after December 31, 1988, because the school program overstated the number of children enrolled in special or vocational education programs; and
- (2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in tuition support for special and vocational education because of the overstatement.

**(c) A school corporation's previous year revenue shall be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-5.5-11. The amount of the reduction equals the product of:**

- (1) the sum of the amounts distributed to the conversion charter school under IC 20-5.5-7-3.5(c) and IC 20-5.5-7-3.5(d); multiplied by**
- (2) two (2).**

SECTION 27. IC 21-3-1.7-6.7, AS AMENDED BY P.L.111-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 6.7. (a) For each school corporation **that is not a charter school**, the index used in subsection ~~(b)~~ (c) is determined under the following STEPS:

STEP ONE: Determine the greater of zero (0) or the result of the following:

- (1) Multiply the school corporation's at risk index by twenty-three hundredths (0.23) in 2002 and twenty-five hundredths (0.25) in 2003.
- (2) Divide the result under subdivision (1) by three thousand seven hundred thirty-six ten-thousandths (0.3736).
- (3) Subtract three hundred sixty-four ten-thousandths (0.0364) in 2002 and three hundred ninety-five ten-thousandths (0.0395) in 2003 from the result under subdivision (2).

STEP TWO: Determine the greater of zero (0) or the result of the following:

- (1) Multiply the percentage of the school corporation's students who were eligible for free lunches in the school year

1 ending in 2001 by twenty-three hundredths (0.23) in 2002 and  
 2 twenty-five hundredths (0.25) in 2003.

3 (2) Divide the result under subdivision (1) by seven hundred  
 4 twenty-three thousandths (0.723).

5 STEP THREE: Determine the greater of zero (0) or the result of  
 6 the following:

7 (1) Multiply the percentage of the school corporation's  
 8 students who were classified as limited English proficient in  
 9 the school year ending in 2000 by twenty-three hundredths  
 10 (0.23) in 2002 and twenty-five hundredths (0.25) in 2003.

11 (2) Divide the result under subdivision (1) by one thousand  
 12 seven hundred fifteen ten-thousandths (0.1715).

13 STEP FOUR: Determine the result of:

14 (1) the sum of the results in STEPS ONE through THREE;  
 15 divided by

16 (2) three (3).

17 STEP FIVE: Determine the result of one (1) plus the STEP FOUR  
 18 result.

19 (b) **A charter school's target revenue per ADM for a calendar**  
 20 **year is the lesser of the following:**

21 **(1) The statewide average target revenue per ADM**  
 22 **determined under subsection (c) for the calendar year for**  
 23 **school corporations that are not charter schools.**

24 **(2) The target revenue per ADM for the calendar year for the**  
 25 **school corporation in which the charter school is located.**

26 **(c) As used in this subsection, "school corporation" does not**  
 27 **include a charter school.** A school corporation's target revenue per  
 28 ADM for a calendar year is the result determined under STEP SIX of  
 29 the following formula:

30 STEP ONE: Determine the result under clause (B) of the  
 31 following formula:

32 (A) Determine the result of:

33 (i) four thousand four hundred forty dollars (\$4,440) in 2002  
 34 and four thousand five hundred sixty dollars (\$4,560) in  
 35 2003; multiplied by

36 (ii) the index determined for the school corporation under  
 37 subsection (a).

38 (B) Multiply the clause (A) result by the school corporation's

- 1 adjusted ADM for the current year.
- 2 STEP TWO: Divide the school corporation's previous year
- 3 revenue by the school corporation's adjusted ADM for the
- 4 previous year.
- 5 STEP THREE: Multiply the ~~subsection (a)~~ **STEP FIVE result**
- 6 **index determined for the school corporation under subsection**
- 7 **(a)** by the following:
- 8 (A) If the STEP TWO result is not more than:
- 9 (i) four thousand four hundred forty dollars (\$4,440) in
- 10 2002; and
- 11 (ii) four thousand five hundred sixty dollars (\$4,560) in
- 12 2003;
- 13 multiply by ninety dollars (\$90).
- 14 (B) If the STEP TWO result is:
- 15 (i) more than four thousand four hundred forty dollars
- 16 (\$4,440) and not more than five thousand five hundred
- 17 twenty-five dollars (\$5,525) in 2002; or
- 18 (ii) more than four thousand five hundred sixty dollars
- 19 (\$4,560) and not more than five thousand eight hundred
- 20 twenty-five dollars (\$5,825) in 2003;
- 21 multiply by the result under clause (C).
- 22 (C) Determine the result of:
- 23 (i) The STEP TWO result minus four thousand four hundred
- 24 forty dollars (\$4,440) in 2002 and four thousand five
- 25 hundred sixty dollars (\$4,560) in 2003.
- 26 (ii) Divide the item (i) result by one thousand eighty-five
- 27 dollars (\$1,085) in 2002 and one thousand two hundred
- 28 sixty-five dollars (\$1,265) in 2003.
- 29 (iii) Multiply the item (ii) result by forty dollars (\$40).
- 30 (iv) Subtract the item (iii) result from ninety dollars (\$90).
- 31 (D) If the STEP TWO result is more than:
- 32 (i) five thousand five hundred twenty-five dollars (\$5,525)
- 33 in 2002; and
- 34 (ii) five thousand eight hundred twenty-five dollars (\$5,825)
- 35 in 2003;
- 36 multiply by fifty dollars (\$50).
- 37 STEP FOUR: Add the STEP TWO result and the STEP THREE
- 38 result.

STEP FIVE: Determine the greatest of the following:

(A) Multiply the STEP FOUR result by the school corporation's adjusted ADM for the current year.

(B) Multiply the school corporation's previous year revenue by one and two-hundredths (1.02).

(C) The STEP ONE amount.

STEP SIX: Divide the STEP FIVE amount by the school corporation's adjusted ADM for the current year.

SECTION 28. IC 21-3-1.7-6.8, AS AMENDED BY P.L.85-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 6.8. (a) **This section does not apply to a charter school.**

(b) A school corporation's target general fund property tax rate for purposes of IC 6-1.1-19-1.5 is the result determined under STEP THREE of the following formula:

STEP ONE: This STEP applies only if the amount determined in STEP FIVE of the formula in section ~~6.7(b)~~ **6.7(c)** of this chapter minus the result determined in STEP ONE of the formula in section ~~6.7(b)~~ **6.7(c)** of this chapter is greater than zero (0). Determine the result under clause (E) of the following formula:

(A) Divide the school corporation's 2002 assessed valuation by the school corporation's current ADM.

(B) Divide the clause (A) result by ten thousand (10,000).

(C) Determine the greater of the following:

(i) The clause (B) result.

(ii) Thirty-nine dollars (\$39) in 2002 and thirty-nine dollars and seventy-five cents (\$39.75) in 2003.

(D) Determine the result determined under item (ii) of the following formula:

(i) Subtract the result determined in STEP ONE of the formula in section ~~6.7(b)~~ **6.7(c)** of this chapter from the amount determined in STEP FIVE of the formula in section ~~6.7(b)~~ **6.7(c)** of this chapter.

(ii) Divide the item (i) result by the school corporation's current ADM.

(E) Divide the clause (D) result by the clause (C) result.

(F) Divide the clause (E) result by one hundred (100).

STEP TWO: This STEP applies only if the amount determined in

STEP FIVE of the formula in section ~~6.7(b)~~ **6.7(c)** of this chapter is equal to STEP ONE of the formula in section ~~6.7(b)~~ **6.7(c)** of this chapter and the result of clause (A) is greater than zero (0).

Determine the result under clause (G) of the following formula:

(A) Add the following:

(i) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

(ii) The portion of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

(B) Divide the clause (A) result by the school corporation's current ADM.

(C) Divide the school corporation's 2002 assessed valuation by the school corporation's current ADM.

(D) Divide the clause (C) result by ten thousand (10,000).

(E) Determine the greater of the following:

(i) The clause (D) result.

(ii) Thirty-nine dollars (\$39) in 2002 and thirty-nine dollars and seventy-five cents (\$39.75) in 2003.

(F) Divide the clause (B) result by the clause (E) amount.

(G) Divide the clause (F) result by one hundred (100).

STEP THREE: Determine the sum of:

(A) ninety-one and eight-tenths cents (\$0.918) in 2002; and

(B) ninety-five and eight-tenths cents (\$0.958) in 2003; and

if applicable, the STEP ONE or STEP TWO result.

SECTION 29. IC 21-3-1.7-8, AS AMENDED BY P.L.85-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 8. **(a) Except as otherwise indicated, "school corporation" includes a charter school.**

**(b)** Notwithstanding IC 21-3-1.6 and subject to section 9 of this chapter, the state distribution for a calendar year for tuition support for basic programs for each school corporation equals the result determined using the following formula:

STEP ONE:

- 1 (A) For a school corporation not described in clause (B),  
 2 determine the school corporation's result under **either**:  
 3 (i) STEP FIVE of section ~~6.7(b)~~ **6.7(c)**; or  
 4 (ii) **section 6.7(b)**;  
 5 of this chapter for the calendar year.  
 6 (B) For a school corporation that has target revenue per  
 7 adjusted ADM for a calendar year that is equal to the amount  
 8 under STEP ONE (A) of section ~~6.7(b)~~ **6.7(c)** of this chapter,  
 9 determine the sum of:  
 10 (i) the school corporation's result under STEP ONE of  
 11 section ~~6.7(b)~~ **6.7(c)** of this chapter for the calendar year;  
 12 plus  
 13 (ii) the amount of the annual decrease in federal aid to  
 14 impacted areas from the year preceding the ensuing calendar  
 15 year by three (3) years to the year preceding the ensuing  
 16 calendar year by two (2) years; plus  
 17 (iii) the part of the maximum general fund levy for the year  
 18 that equals the original amount of the levy imposed by the  
 19 school corporation to cover the costs of opening a new  
 20 school facility during the preceding year.  
 21 STEP TWO: Determine the remainder of  
 22 ~~(A)~~ the STEP ONE amount; minus:  
 23 ~~(B)~~ (A) **for a school corporation that is not a charter**  
 24 **school**, the sum of:  
 25 (i) the school corporation's tuition support levy; plus  
 26 (ii) the school corporation's excise tax revenue for the year  
 27 that precedes the current year by one (1) year; or  
 28 (B) **for a school corporation that is a charter school:**  
 29 (i) **in 2003, zero (0); and**  
 30 (ii) **after December 31, 2003, the product of the amount**  
 31 **determined under IC 21-3-1.7-6.7(b) multiplied by**  
 32 **thirty-five hundredths (0.35).**  
 33 If the state tuition support determined for a school corporation under  
 34 this section is negative, the school corporation is not entitled to any  
 35 state tuition support. In addition, the school corporation's maximum  
 36 general fund levy under IC 6-1.1-19-1.5 shall be reduced by the amount  
 37 of the negative result.  
 38 SECTION 30. IC 21-3-1.7-9.5, AS AMENDED BY P.L.93-2000,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 9.5. (a) **As used in this section, "school corporation" includes:**

- (1) **a conversion charter school; and**
- (2) **beginning in the second calendar year after the calendar year in which a nonconversion charter school begins its initial operation, a nonconversion charter school.**

(b) In addition to the distribution under sections 8, 9.7, and 9.8 of this chapter, a school corporation is eligible for an enrollment adjustment grant if the school corporation's:

- (1) current ADM minus the school corporation's previous year ADM is at least two hundred fifty (250); or
- (2) current ADM divided by the school corporation's previous year ADM is at least one and five-hundredths (1.05).

~~(b)~~ (c) The amount of the enrollment adjustment grant is the amount determined in STEP THREE of the following formula:

STEP ONE: Determine the school corporation's target revenue per ADM divided by three (3).

STEP TWO: Determine the result of the school corporation's current ADM minus the school corporation's previous year ADM.

STEP THREE: Multiply the STEP ONE result by the STEP TWO result.

~~(c)~~ (d) Notwithstanding any other provision, for purposes of computing the amount of a grant under this section, "ADM" does not include an eligible pupil who is described in IC 21-3-1.6-1.2(a).

SECTION 31. IC 21-3-1.7-9.8, AS AMENDED BY P.L.291-2001, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: Sec. 9.8. (a) **As used in this section, "school corporation" includes:**

- (1) **a conversion charter school; and**
- (2) **beginning in the second calendar year after the calendar year in which a nonconversion charter school begins its initial operation, a nonconversion charter school.**

(b) In addition to the distributions under sections 8, 9.5, and 9.7 of this chapter, a school corporation is eligible for an honors diploma award in the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the number of the school corporation's

1 eligible pupils who successfully completed an academic honors  
 2 diploma program in the school year ending in the previous  
 3 calendar year.

4 STEP TWO: Multiply the STEP ONE amount by:

5 (1) nine hundred forty-four dollars (\$944) in 2002; and

6 (2) nine hundred sixty-three dollars (\$963) in 2003.

7 ~~(b)~~ (c) Each year the governing body of a school corporation may  
 8 use the money that the school corporation receives for an honors  
 9 diploma award under this section to give nine hundred forty-four  
 10 dollars (\$944) in 2002 and nine hundred sixty-three dollars (\$963) in  
 11 2003 to each eligible pupil in the school corporation who successfully  
 12 completes an academic honors diploma program in the school year  
 13 ending in the previous calendar year.

14 SECTION 32. IC 21-3-2.1-1.5 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 1.5. As**  
 17 **used in this chapter, "school corporation" includes a charter**  
 18 **school.**

19 SECTION 33. IC 21-3-12-1.5 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 1.5. As**  
 22 **used in this chapter, "school corporation" includes a charter**  
 23 **school.**

24 SECTION 34. IC 20-5.5-7-2 IS REPEALED [EFFECTIVE  
 25 JANUARY 1, 2002 (RETROACTIVE)].

26 SECTION 35. [EFFECTIVE UPON PASSAGE] (a) **An advance by**  
 27 **the state board of finance of money from the abandoned property**  
 28 **fund established in IC 32-34-1-33 to a charter school is forgiven.**

- 1       **(b) This SECTION expires June 30, 2005.**
- 2       **SECTION 36. An emergency is declared for this act.**  
      (Reference is to SB 501 as reprinted March 4, 2003.)

**and when so amended that said bill do pass.**

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Representative Porter